THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.8677 of 2007

Dated:24.04.2007

Between:

Abdul Azeez and others.

…Petitioners

and

The Assistant Director of Survey & Settlements and others.

…Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.8677 of 2007

ORDER:

The petitioners herein are allegedly agreement holders in the set of land admeasuring Acs.15.19 guntas in Survey No.99 situated at Hyderguda Village of Rajendranagar Mandal in Ranga Reddy District. They also claim that they are in possession of the land. They approached the second respondent seeking survey and demarcation of the land, in vain. They, therefore, filed W.P.No.25094 of 2006. By an order dated 01.12.2006, this Court disposed of the matter observing that the second respondent may complete the survey and demarcation in due course of time. Now he issued Memo No.A4/1864/2007, dated 17.04.2007, informing the second petitioner that demarcation of the land in Survey No.99 cannot be taken up as there is objection from Sri M.Jaffar Ali Khan and eight others to stop the survey operations and they are claiming the said land as Survey No.1 of Sikandarguda Village. Aggrieved by the same, the present Writ Petition is filed.

The petitioners seek a writ of mandamus declaring the impugned Memo as illegal and arbitrary and for a consequential direction to the authorities to conduct survey.

A reading of the impugned memo would show that there is some dispute regarding the identity of the land and an objection is also raised. Therefore, the Memo was issued to the petitioner that survey cannot be taken up. If there is a dispute between the rival claimants, certainly survey is not an answer. The remedy of the petitioners is to file a civil suit.

The Writ Petition is misconceived, and is accordingly dismissed. No costs.

(V.V.S.RAO, J)

24.04.2007
vs